

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CRIM. NO. 03-10376 PBS

EDER D. COELHO

DEFENDANT'S MOTION FOR DOWNWARD DEPARTURE

Now comes the defendant in the above matter, Eder D. Coelho, by his court appointed attorney, and moves this Honorable Court to depart downward from the Sentencing Guidelines pursuant to the provisions of U.S.S.G. § 5K2.0, the totality of the defendant's circumstances. As reasons therefore, the defendant states the following:

1. The defendant is a thirty one year old Brazilian Citizen, and his primary language is Portuguese. He grew up poor in a rural area of Brazil.
2. Mr. Coelho is a graduate of high school in Brazil, and has some post-secondary education. Although he had some work experience in Brazil, he moved to the United States in January, 2003 in order to find better paying work. While working in the United States, Mr. Coelho would send money back to his parents in Brazil.
3. Mr. Coelho was not a legal immigrant, and was unable to maintain a high paying job. He did have a girlfriend and a child, both of whom are now living in Brazil, together with his other child. Part of his income went to pay for support for a prior child living in Brazil with the child's mother.
4. Mr. Coelho has pled guilty to the crimes he has been charged with, and has asked this Court that he be deported after the conclusion of his sentence.
5. At the end of the sentence imposed by this Court, Mr. Coelho will be subject to an ICE detainer, and faces the very real possibility of a lengthy stretch of incarceration awaiting deportation, despite the fact that he has agreed to deportation. This "dead time" is manifestly unjust.
6. Mr. Coelho has pleaded guilty to his crimes and accepted responsibility for his behavior. He further accepts the fact that his crimes will result in his deportation from the United States.
7. It is in the interests of Justice that Mr. Coelho should be sentenced so that he will leave the country as soon as possible, rather than incur costs to incarcerate him long term in this

country and keep him away from his family.

Wherefore, Mr. Coelho respectfully moves that this Court depart downward from the Sentencing Guidelines such that he may finish his sentence and leave the Country at the earliest possible date.

Dated: June 16, 2004

Respectfully Submitted,

/s/
Melvin Norris